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103. (New) The system of claim 99, further including:  
means for providing to the first computing environment the second code during  
runtime operations.

104. (New) The system of claim 99, wherein the second code is an instance of  
a stub class included in the second computing environment.

105. (New) The system of claim 99, wherein the means for returning results of  
the executed portion of the first code to the first computing environment includes:  
means for returning the results to the program.

#### REMARKS

In the Office Action date September 3, 2002, the Examiner withdrew claims 44-52 from consideration; rejected claims 39 and 59 under 35 U.S.C. § 112, second paragraph; rejected claims 34, 39-43, 53, 54, 59-63 under 35 U.S.C. § 102(a) as being anticipated by Gaines (U.S. Patent No. 5,961,582); and rejected claims 35-38 and 55-58 under 35 U.S.C. § 103(a) as being unpatentable over Gaines in view of Priven et al. (U.S. Patent No. 5,327,559).

By this amendment, Applicants have canceled claims 42 and 62, amended claims 39 and 59, and added new claims 64-105 to recite further aspects related to the present invention. Based on these amendments and the following remarks, Applicants respectfully traverse the rejections of claims 34-41, 43, and 53-63 under 35 U.S.C. §§ 102(a) and 103(a) and request the timely allowance of the pending claims.

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Regarding the non-elected claims 44-52, Applicants are not required to cancel these claims at this stage of prosecution of this application (see M.P.E.P. § 821). For example, Applicant has a right to conform the non-elected claims to embrace an allowed generic claim (see M.P.E.P. § 821.02). Accordingly, Applicants will consider canceling and/or amending non-elected claims 44-52 upon receiving a Notice of Allowance for this application.

Regarding the rejection of claims 39 and 59 under 35 U.S.C. § 112, second paragraph, Applicants have amended these claims in the manner suggested by the Examiner. Applicants respectfully request that the rejection of these claims under § 112, second paragraph be withdrawn. Since the Examiner examined these claims as if they were drafted in accordance with the amendment herein, Applicants submit that this amendment to claims 39 and 59 has not been made for reasons of patentability.

Applicants respectfully traverse the rejections of claims 34, 39-43, 53, 54, and 59-63 under 35 U.S.C. § 102(a) because Gaines does not teach every recitation of these claims.

Gaines teaches a system for providing access to remote resources in a distributed computing environment. The system includes one or more computers that include a virtual operating system that is capable of executing programs in a host-independent manner. The system allows a program to be executed on a local and remote host computer using the virtual operating system operating within each computer.

In contrast, claim 34 recites a combination of steps including, among other steps, running a first program containing code on a first abstract computing machine, sending

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a portion of the code to a second program, and running the portion of the code by the second program on a second abstract computing machine. Gaines does not teach at least these operations. Instead, Gaines discloses virtual applications that are used by the virtual operating systems to access and/or execute resources within a host computer (see Gaines, col. 6, lines 22-36). Contrary to the Examiner's assertions, the virtual applications disclosed by Gaines cannot equate to the first program, as recited in claim 34, because the transferable program 302 (which is transferred to a remote host machine and executed) is not contained in a virtual application or operation system. That is, according to the Examiner, the transferable program 302 is contained within a virtual application (see Office Action, page 3, paragraph 6, lines 4-6). Applicants disagree. Gaines discloses that a virtual program may be transmitted to a host computer and executed to facilitate interprocess communications between remote computers (see Gaines, col. 7, lines 14-30). Further, Gaines states that a transferable program 302 is an actual program (or a name in a name space at a remote host computer) that is transferred from a computer to a remote computer and executed by the remote computer's virtual operating system (see Gaines, col. 13, lines 23-46). Accordingly, a transferable program 302 is not contained within a virtual application. In fact, Gaines suggests that a transferable program 302 and virtual application 143 may be one in the same (see Gaines, col. 13, lines 48-55, "[t]he server host computer 101 can be assured that the transferable program 302 will not violate constraints set by the server host computer 101 ... [t]he owner or administrator of the server host computer 101 details the constraints on resources the server host computer 101 will make available to virtual applications 143").

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Further, even if the transferable program 302 correlates with the term “code” included in claim 24, which Applicants do not concede, Gaines does not teach a portion of the code, as recited in this claim. The Examiner states that Gaines teaches “sending (transfer) a portion of the code (transferable program 302)” (see Office Action, page 3, paragraph 6, line 14). If the transferable program 302 correlates to the code contained within a first program, as recited in claim 34, it cannot also correlate to a portion of the code, also recited in this claim.

Moreover, Gaines does not teach sending a portion of code from a first program running in a first abstract computing machine to a second program, as recited in claim 34. The programs (code) transferred from computers in the distributed system taught by Gaines are not portions of a program, but rather are the programs themselves. For example, a copy of “the” transferable program 302 is provided to server host computer 101 (see Gaines, col. 13, lines 40-47). Also, Gaines teaches that a set of program code 207 is provided to a host computer (see Gaines, col. 10, lines 47-51). In both of the above exemplary cases, the entire program or code is provide to the host computer. In contrast, claim 34 recites sending a portion of the code, which is not taught by the system disclosed by Gaines.

Because Gaines fails to teach every recitation of claim 34, Applicants request that the rejection of claim 34 under 35 U.S.C. § 102(a) be withdrawn and the claim allowed.

Claims 39-41 depend from claim 34. As explained, claim 34 is distinguishable from Gaines. Accordingly, claims 39-41 are also distinguishable from this reference for at least the same reasons set forth for claim 34, and Applicants respectfully request that

the rejection of these claims under 35 U.S.C. § 102(a) be withdrawn and the claims allowed.

Claims 43, 53, and 54 include recitations similar to claim 34. As explained, claim 34 is distinguishable from Gaines. Accordingly, claims 43, 53, and 54 are also distinguishable from this reference for at least the same reasons set forth for claim 34, and Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(a) be withdrawn and the claims allowed.

Claims 59-61 depend from claim 54. As explained, claim 54 is distinguishable from Gaines. Accordingly, claims 59-61 are also distinguishable from this reference for at least the same reasons set forth for claim 54, and Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(a) be withdrawn and the claims allowed.

Claim 63 includes recitations similar to claim 43. As explained, claim 43 is distinguishable from Gaines. Accordingly, claim 63 is also distinguishable from this reference for at least the same reasons set forth for claim 43, and Applicants respectfully request that the rejection of this claim under 35 U.S.C. § 102(a) be withdrawn and the claim allowed.

Regarding the rejection of claims 35-38 and 55-58 under 35 U.S.C. § 103(a), these claims depend from claims 34 and 54, respectively. As explained, claims 34 and 54 are distinguishable from Gaines. Accordingly, claims 35-38 and 55-58 are also distinguishable from this reference for at least the same reasons set forth for claims 34 and 54. Further, Priven et al. is not sufficient to overcome the deficiencies of Gaines. Because Gaines and Priven et al., alone or in combination, fail to teach or suggest the

recitations of claims 35-38 and 55-58, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Regarding new claims 64-105, Gaines and Priven et al., alone or in combination, fail to teach or suggest the recitations of these claims. For example, neither of these references disclose a combination of steps, or a system including means for, sending (or receiving) a portion of the first code from the first computing environment to the second computing environment based on second code obtained from the second computing environment, as recited in claims 64, 76, 83, 90, and 97. Further, these references fail to teach or suggest a "portion of the code" as recited in these claims (see corresponding arguments presented above associated with claim 34). Because Gaines and Priven et al., alone or in combination, fail to teach or suggest every recitation of claims 64-105, Applicants respectfully request the timely allowance of these claims.

In view of the foregoing amendments and remarks, Applicants respectfully requests the reconsideration and reexamination of this application and the timely allowance of claims 34-41, 43, 54-61, and 63-105.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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## APPENDIX TO CLAIM AMENDMENTS

On page 1, please replace the paragraph starting on line 10 with the following new paragraph:

U.S. Patent Application Ser. No. 08/636,707, filed on [even date herewith] April 23, 1996, now U.S. Patent no. 5,815,709 in the names of James H. Waldo, Krishna Bharat and Roger Riggs, and entitled "System and Method For Generating Identifiers For Uniquely Identifying Object Types For Objects Used in Processing Of Object-Oriented Programs And The Like" [(Atty. Docket No. P1091)] (hereinafter identified as the "Waldo et al. patent application"), is incorporated herein by reference in its entirety.

### IN THE CLAIMS:

Please cancel claims 42 and 62 without prejudice or disclaimer and amend claims 39 and 59 as follows:

39. (Amended) The method of claim 34, wherein the first abstract computing machine is contained in a first computer system with a first processor, wherein the second abstract computing machine is contained in a second computer system with a second processor, wherein the second program has second code, and wherein the step of running the first program includes the steps of:

receiving the [first] code by the first abstract computing machine;

converting the [first] code into a format suitable to the first processor by the first abstract computing machine; and

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executing the [first] code in the format suitable to the first processor on the first processor, and wherein the step of running the second program includes the steps of:

receiving the second code by the second abstract computing machine;

converting the second code into a format suitable to the second processor by the second abstract computing machine; and

executing the second code in the format suitable to the second processor on the second processor.

59. (Amended) The computer-readable medium of claim 54, wherein the first abstract computing machine is contained in a first computer system with a first processor, wherein the second abstract computing machine is contained in a second computer system with a second processor, wherein the second program has second code, and wherein the step of running the first program includes the steps of:

receiving the [first] code by the first abstract computing machine;

converting the [first] code into a format suitable to the first processor by the first abstract computing machine; and

executing the [first] code in the format suitable to the first processor on the first processor, and wherein the step of running the second program includes the steps of:

receiving the second code by the second abstract computing machine;

converting the second code into a format suitable to the second processor by the second abstract computing machine; and

executing the second code in the format suitable to the second processor on the second processor.